

**GOVERNMENT OF TELANGANA
ABSTRACT**

Tribal Welfare Department – Adilabad District – Appeal Petition filed by Smt.Teli Anitha, W/o. Vasanth Rao, Occ: VRA, R/o Bheemsari Village of Adilabad (Rural) Mandal of Adilabad District, filed under Section 7(2) of the Act 16 of 1993, against the Procs.No.C3/1249/2017, dt.09.01.2018 of the Collector & District Magistrate, Adilabad District – Uphold the orders of the Collector & District Magistrate, Adilabad District duly dismiss the Appeal filed by Smt.Teli Anitha, W/o. Vasanth Rao - Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 43

**Dated: 05-06-2021,
Read the following:**

1. Proceedings of the Collector & District Magistrate, Adilabad District Procs.No.C3/1249/2017, dt.09.01.2018.
2. Appeal Petition filed by Smt.Teli Anitha, W/o. Vasanth Rao, Occ: VRA, R/o Bheemsari Village of Adilabad (Rural) Mandal of Adilabad District, dt. 06.02.2018.
3. Orders of High Court of Judicature at Hyderabad for the State of Telangana and the State of A.P. IA.No.1 of 2018 In WP.No.5500 of 2018 dt: 20.02.2018.
4. Govt.Memo.No.997/TW.LTR/2018, dated: 22.03.2018.
5. From the Collector & District Magistrate, Adilabad District, Lr.Rc.No.C3/1249/2017, dt: 28.03.2018 & 05.05.2018.
6. Govt.Lr.No.997/TW.LTR/2018, dated: 10.07.2018.
7. Govt.Lr.No.997/TW.LTR/2018, dated: 16.04.2019.
8. Govt.Lr.No.997/TW.LTR/2018, dated: 16.05.2019.
9. Govt.Lr.No.997/TW.LTR/2018, dated: 25.11.2019.

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ORDER:

In the reference 1st read above, the Collector & District Magistrate, Adilabad District has issued orders in Procs.No.C3/1249/2017, dt.09.01.2018 cancelling the false ST Kammara Caste Certificate bearing No.CGC099412392, dated 19.09.2013 issued to Smt.Teli Anitha W/o Vasanth Rao R/o Bheemsari village of Adilabad (Rural) Mandal by the Tahsildar, Adilabad Adilabad (Rural) and issued Notification on the said date to the said effect exercising powers conferred under section 5 (1) of the Act, 1963 and Rules, 1997 made there-under. The grounds for cancellation are as follows:

- A complaint was filed by Smt. Nara Savitha W/o Bhagwandlu R/o Bheemsari (vg) of Adilabad (Rural) Mandal before the District Collector making allegations against the ST Kammara Caste Certificate issued to Smt.Teli Anitha W/o Vasanth Rao R/o Bheemsari (vg) of Adilabad (Rural) Mandal working as Village Revenue Assistant, Bheemsari (vg) of Adilabad (Rural) Mandal.
- The matter has been referred to the District Level Scrutiny Committee (DLSC) to take up the case for enquiry.
- DLSC issued notice to the candidate vide Lr.No.C3/1249/2017 to appear before along with documentary evidences to prove genuineness of the certificate.
- Smt.Teli Anitha W/o Vasanth Rao had attended before the DLSC and submitted following documents in support of her claim.
 - SSC Memo issued on 10.05.2007.

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- Intermediate Memo issued on 16.06.2012.
- Bonafide Certificate for class 1st to 4th issued by the Head Master, New Ramakrishna Vidya Mandir, Jainath, dated 25.02.2014.
- Bonafide Certificate for class 5th issued by the Head Master, UPS, Jainath, dated 31.08.2007.
- Bonafide Certificate for class 6th to 10th issued by the Head Master, ZPHS, Jainath, dated 25.02.2014.
- Bonafide Certificates of Intermediate 1st and 2nd year issued by the Principal, Govt.Junior College for Girls, Adilabad dated 25.07.2012.
- Caste Certificate No.CGC099412392, dated 19.9.2013 issued by Tahsildar, Adilabad.
- Aadhar Card No.533893488230 in the name of Teli Anitha.
- Employment Exchange ID Card, Uttoor.
- Selection orders for VRA Proc.No.D/218/2014, dated 28.02.2014 issued by Revenue Divisional Officer, Adilabad.
- Appointment Order Proc.No.A/745/2014, dated 01.03.2014 issued by the Tahsildar, Adilabad.
- On verification of above documents, it was noticed that the candidate had failed to submit documentary evidence as belonging to the ST Kammara community.
- RDO, Adilabad was directed to conduct detailed enquiry and submit report.
- RDO Adilabad had submitted report in Lr.No.E/456/2017, dated 31.07.2017 stating that he had visited Bheemsari village on 26.7.2017, interacted with the villagers and recorded their statements. They stated that the family members of Teli Anitha W/o Vasanth Rao are living in the Bheemsari village prior to 50 years doing blacksmith work, mother tongue is Marathi, relatives found in Maharashtra State as they originally hail from Maharashtra State. They worship the deities of Chandrapur Mahankali of Maharashtra, Jangubai and Nagoba. Villagers further deposed that there are (15) houses existing in Bheemasri village belonging to Kammara community – their surnames are Ingide, Bhuvne, Jangadkaer, Sontake, Chattiwar, Lokande, Sruthikar, Savarkar, Hajare etc. Therefore, RDO Adilabad concluded that they do not belong to the ST community and managing to impersonate as tribes worshipping the deities of aboriginal tribes of Adilabad district like Gond community.
- RDO Adilabad further mentioned in his report about clarification issued by the Commissioner of Tribal Welfare in Lr.No.1088/TRI/TEEC/2014, dated 20.09.2014 as per which it was clarified that persons living in plain areas with similar community names and claiming to be belonging to ST Kammara community shall not be treated as Kammara Tribes. ST Community certificates should not be issued to them unless they produce the supporting documents of their forefathers etc. who have lived in the scheduled areas of Srikakulam, Vijayanagaram, Visakhapatnam, East Godavari and West Godavari Districts. In conclusion, the RDO Adilabad based on the clarification issued by the Commissioner of Tribal Welfare and as per local enquiry conducted by him, opined that Teli Anitha W/o Vasanth Rao does not belong to ST community.

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- Final opportunity was given to Smt.Teli Anitha to produce documentary evidences to prove her claim vide notice dt.10.10.2017 and in compliance, the candidate had attended before the Committee on 12.10.2017 but failed to submit documentary evidences to prove her claim.
- Therefore, keeping in view of the recommendations of the DLSC, exercising powers conferred under section 5 (1) of AP (SC,ST and BC) Regulation of Issue of Community Certificates Act, 1993 R/W Rule 9 (7) of Rules, 1997 previously communicated in G.O.Ms.No.58, SW (J) Dept. dt.12.05.1997 and adopted subsequently in the State of Telangana vide G.O.Ms.No.5, SCD (POA.A2) Dept. dt.08.08.2014, ordered for cancellation of false ST Kammara Caste Certificate No.CGC099412392, dated 19.9.2013 which was erroneously issued by the Tahsildar, Adilabad to Smt.Teli Anitha W/o Vasanth Rao R/o Bheemsari village of Adilabad (Rural) Mandal and also declared that she does not belong to ST Kammara community.

2. Aggrieved by the cancellation orders of the Collector & District Magistrate, Adilabad District in Procs.No.C3/1249/2017, dated 09.01.2018, Smt.Teli Anitha W/o Vasantha Rao, aged 27 years, occ: Village Revenue Assistant, R/o. Bheemsari village, Adilabad Rural Mandal of Adilabad District has filed an Appeal Petition in the reference 2nd cited before the Government on 06.02.2018 U/s.7 of the TS (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 urging the following grounds:

- The Appellant made a representation earlier that there are about 3200 people of appellant caste reside in Telangana and they belong to Kammara also called as Khathi community and belong to ST category.
 - Pursuant to issue of G.O.Ms.No.2, dated 22.01.2015, ST certificates were issued to ST Kammara community by the respective Tahsildars. Except self-serving report of the RDO, there is no legal basis that the appellant does not belong to Kammara community. There is no material before the RDO to come to a conclusion that the appellant does not belong to the ST community. Even otherwise, the statements were not recorded in her presence. The caste certificate was issued by the Tahsildar on the basis of verification after conducting due enquiry.
 - The appellant is presently working as VRA, hence there is urgency. The authorities failed to consider factual aspects and came to an erroneous conclusion merely on the basis of the report of RDO which is vague in nature. Though the appellant placed all material documents of educational certificates which are referred in the impugned proceedings, they were not considered in proper perspective.
 - Against the impugned proceedings No.C3/1249/2017, dated 09.01.2018, the appellant herein filed WP No.2831 of 2018 before the Hon'ble High Court which was disposed by order dated 31.01.2018 granting liberty to approach the Government of Telangana with certain objections. Hence, the appellant is filing the present appeal before the appellate authority.
 - The appellant prayed to allow the Appeal and set aside the impugned proceedings No.C3/1249/2017, dated 09.01.2018 passed by the District Collector, Adilabad and pass such other or further orders as the authority may deem fit and proper in the circumstances of the case.
 - The appellant also filed petition under section 151 CPC praying to suspend operation of the impugned proceedings No.C3/1249/2017, dated 09.01.2018 passed by the 1st respondent i.e. Dist. Collector, Adilabad, pending disposal of
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the appeal, in the interest of justice.

- The appeal has been filed before the Government through Counsels viz., H. Venugopal, Kiran Kumar Gattu, Y. Vishnu Bhagawan, N.Mukund Reddy, A.Parthasarathi, Advocates, Sri Sadan, Near Mandal Office, Adilabad-504 001 (TS).

3. In the reference 3rd cited, the appellant filed WP No.5500 of 2018 before the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh praying to suspend proceedings No.A/194/18, dated 12.2.2018 of the 4th respondent (i.e. Tahsildar, Adilabad) and permit to continue her in job in the interest of justice, pending disposal of WP No.5500 of 2018, on the file of the High Court. The Court, while directing issue of notice to the Respondents 1 to 4 i.e. State of Telangana rep by its Principal Secretary, TW, District Collector, Adilabad, RDO Adilabad and the Tahsildar, Adilabad Rural Mandal – also directed the 1st respondent i.e. Government to dispose of the stay application filed by the petitioner in the appeal preferred by her, challenging the order dt.9.1.2018 of the 2nd respondent, within a period of (4) weeks from the date of receipt of a copy of the order and communicate the same to the petitioner.

4. In the reference 4th cited, The Government was admitting the Appeal Petition filed by the Appellant Smt.Teli Anitha W/o Vasanth Rao, rejected the stay petition as there are no sufficient grounds and also requested the Collector & Dist. Magistrate, Adilabad to send para-wise remarks and concerned original case records to Government.

5. In compliance to the Govt.Memo.dt.22.3.2018 (ref. 4th cited), the Collector & District Magistrate, Adilabad, has submitted para-wise remarks along with original files bearing No.C3/1249/2017 and A5/284/2018. In the reference 5th cited. Gist of the para-wise remarks is as follows:

- A complaint was filed by Smt Nara Savitha W/o Bhagwandlu R/o Bheemsari (vg) of Adilabad (Rural) Mandal before the Dist. Collector making allegation against the ST Kammara Caste Certificate obtained by Smt.Teli Anitha W/o Vasanth Rao R/o Bheemsari (vg) of Adilabad (Rural) Mandal who was working as Village Revenue Assistant, Bheemsari (vg).
- Matter was referred to the DLSC and enquiry was taken issue notice to the candidate.
- Smt.Teli Anitha W/o Vasanth Rao had appeared before the DLSC and submitted certificates like Memorandum of Marks, Bonafide Certificates, Caste Certificate etc. in support of her claim – on verification, the said certificates did not support her as belonging to ST Kammara community.
- RDO conducted enquiry and submitted report stating that Smt.Teli Anitha W/o Vasanth Rao living in Bheemsari village prior to 50 years doing blacksmith work, their mother tongue is Marathi, originally hail from Maharashtra State, their relatives found in Maharashtra State as they original hail from Maharashtra State and they worship deities of Chandrapur Mahankali of Maharashtra, Jangubai and Nagoba. RDO Adilabad after observing their social customs and background of Kammara community, concluded that they do not belong to ST community even though they are worshipping the deities of the aboriginal tribes of Adilabad district like Gond community people.

- RDO Adilabad in his report mentioned about clarification issued by the Commissioner of Tribal Welfare in Lr.No.1088/TRI/TEEC/2014, dt.20.9.2014 wherein it was clarified that the persons living in plain areas with similar community names and claiming to be belonging to ST Kammara community shall not be treated as Kammara Tribes. The ST Community certificates should not be issued to them unless they produce supporting documents of their forefathers etc. who lived in scheduled areas of Srikakulam, Vijayanagaram, Visakhapatnam, East Godavari and West Godavari Districts. In conclusion, the RDO basing on the above clarification of the Commissioner of Tribal Welfare and local enquiry conducted by him, had opined that Teli Anitha W/o Vasanth Rao does not belong to ST community.
- After thorough verification, the DLSC came to a conclusion that the ST Kammara Caste Certificate issued to Smt Teli Anitha W/o Vasanth Rao is not genuine and hence Show Cause Notice giving final opportunity to appear before the Committee on 12.10.2017 to produce documentary evidences to prove her claim – but Teli Anitha failed to submit any evidentiary material – therefore, her ST Kammara Caste Certificate bearing No.CGC099412392, dated 19.9.2013 issued by the Tahsildar, Adilabad was cancelled.
- As per the cancellation orders and instructions issued in Lr.No.A5/284/2015, dt.31.01.2018, the Tahsildar, Adilabad (Rural) initiated action on Smt.Teli Anitha removing her from the service of VRA vide his Procs.No.A/194/2018-2, dated 12.02.2018 as the individual was appointed as Village Revenue Assistant under the caste of ST Kammara Caste – certificate of which was cancelled.

6. In the reference 6th, 7th, 8th cited, the case called for hearing on 21.7.2018, 22.4.2019 and 15.6.2019.

7. In the reference 9th cited, the case was called for hearing on 7.12.2019 – Appellant absent. Counsel for appellant present and prayed time for submission of Written Arguments. Time for one week granted.

8. The counsel for appellant was failed to submit Written Arguments within the time granted for.

9. The Government in Circular Memo.No.984/CV.2/98-3, dt.23.07.1999 have issued detailed guidelines after careful consideration of the High Court Order dt.29.12.1997 in WP Nos.24699 & 1529/97 in issuance of Kammara ST Caste Certificates in the State.

I. In view of directions of Hon'ble High Court of AP, the certifying officers should enquire whether the certificate seekers in the name of Kammara tribe possess the following characteristics of Kammara tribe and also their social, cultural and religious way of life should also be verified to find out the genuineness of their claim.

i) Kammaras are declared as Scheduled Tribes in the State of Andhra Pradesh. Their traditional habitat is the Scheduled areas and their adjoining areas of Srikakulam, Visakhapatnam, Vizianagaram, East Godavari and West Godavari Districts. They are also called "Konda Kammara", "Koya Kammara" and "Ojulu". The traditional occupation of Kammaras is black smith and carpentry and serves the other tribes. But most of them gave up their traditional occupation and taken to shifting cultivation as well as settled cultivation.

ii) The Kammara tribe is divided into a number of totemic clans such as

Korra (Sun), Killo (Tiger), Bhalu (Bear), Samardi (Flower), Pangi (Kite) etc.

- iii) Marriage by mutual love and elopement, marriage by capture, marriage by service and marriage by negotiations are socially approved forms of acquiring mates. Both levirate and sororate types of marriages are in vogue.
 - iv) Kammara tribe people eat pork and beef.
 - v) They worship Nishan Devatha, Sanku Devatha, Jakiri Devatha and Gangamma. They perform Chaitpurab, Gangamma Panduga and first fruit/crop eating ceremonies such as Mamidi Kotha, Kandli Kotha, Chikku Kotha, Sama Kotha etc.
 - vi) They have tribal council of their own which regulates the social life of Kammas and settles disputes, and
 - vii) They bury the dead.
- II.
- i) There is also a caste with the similar nomenclature throughout the State i.e. Kammari or Kammara which is declared as Backward Class in the State of Andhra Pradesh. The Kammari or Kammara caste is one of the sub-divisions among Vishwa Brahmin caste which consists of Ausula / Kamsali, Kanchari, Vadrangi or Vadla, Kammari or Kammara and silpi occupational divisions – members of all these occupational divisions inter-marry.
 - ii) It is a telugu caste and its traditional occupation is black smith. They are traditionally not agriculturists.
 - iii) The totemic clan organization which is present in the Kammara tribe is not found in the Kammara caste.
 - iv) They do not eat pork or beef – they are mostly vegetarians and wear sacred thread. They generally suffix their names with 'Achari'. Hence, they are called 'Acharis' in Rayalaseema region of the State.
 - v) The types of acquiring mates which are in vogue in the Kammara tribe are not socially accepted by Kammari caste (Vishwa Brahmin), Levirate is absent in Kammaris; and
 - vi) The traditional pantheon of the Kammari is different from Kammara tribe and they perform the festivals which are performed by other Telugu Hindu caste.

10. The Government has examined the evidences available on record and as seen from the findings of the DLSC, the traditional habitat of the appellant is not the scheduled areas of Srikakulam, Visakhapatnam, Vizianagaram, East Godavari Godavari and West Godavari districts and originally hail from the bordering Maharashtra State, worship Goddess Mahankali of Chandrapur of Maharashtra State and also worship Jangubai and Nagoba deities as worshipped by the aboriginal tribes of Adilabad district like Gond community people.

11. The Appellant and her counsel failed to produce any evidence in support of her claim that she belongs to ST Kammara community.

12. Accordingly, Government hereby **uphold** the orders of the Collector & District Magistrate, Adilabad District in Procs.No.C3/1249/2017, dt.09.01.2018 duly **dismiss**

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the Appeal filed by Smt.Teli Anitha, W/o. Vasanth Rao, R/o Bheemsari Village of Adilabad (Rural) Mandal of Adilabad District.

13. The Collector and District Magistrate, Adilabad District shall take necessary action in the matter.

14. The connected record (File bearing No. C3/1249/2017, with CFP - 23 and NFP - 157 & File bearing No. A5/284/2017, with CFP - 32 and NFP - 02) received from the Collector and District Magistrate, Adilabad District through 5th read above are returned herewith to Collector and District Magistrate, Adilabad District and requested to acknowledge the receipt of the same immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr.CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

1. The Collector and District Magistrate, Adilabad District (w.e) (By RPAD)
2. Smt.Teli Anitha, W/o. Vasanth Rao,
R/o. Bheemsari Village, Adilabad Rural Mandal,
Adilabad District. (By RPAD)

Copy to:

1. The Revenue Divisional Officer, Adilabad District.
(for information and necessary action)
2. The Tahsildar, Adilabad Rural Mandal, Adilabad District.
3. The Commissioner of Tribal Welfare, TS, Hyderabad (for information)
4. The P.S. to Minister for ST Welfare (for information)
5. The PS to Secretary to Govt. (TW)
6. The PS to Special Secretary to Govt.(TW)
7. SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER